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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,005	02/25/2000	James Carlton Bedingfield	36968/187943	6967

30314 7590 04/01/2003

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EXAMINER

FOSTER, ROLAND G

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,005

Applicant(s)

BEDINGFIELD ET AL. *BD*

Examiner

Roland G. Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

The claims are objected to because of the following informalities. The existing claims have been numbered 1-17 and 19-31 apparently because claim 18 was inadvertently omitted. Appropriate correction such as renumbering of the claims is required. In addition, claim 20 recites "VMS" and claim 28 recites "LATA." Applicant is requested to spell out abbreviations before the first usage of the abbreviation for the sake of claim clarity.

Specification

The abstract of the disclosure is objected to because the abstract should be a single paragraph. Correction is required. See MPEP § 608.01(b).

Election/Restrictions

The independent claims (and associated dependent claims) are close in form to patentably distinct, subcombinations usable together. Nevertheless, the examiner determined that the originally submitted claims were not restrictable at this time. However, the applicant is hereby notified that any amendment

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introducing substantial, unique limitations into each subcombination may provide a sufficient basis for a restriction requirement based upon subcombinations usable together. Therefore, applicant is requested to introduce new limitations that are common (or closely related to each other) into each subcombination in order to maintain a common relationship between each subcombination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13-17 and 19-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Bartholomew et al. (U.S. Patent No. 5,812,639) ("Bartholomew '639").

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With respect to claim 13, see the following paragraphs for details on how Bartholomew '639 anticipates particular limitations within the claim.

"a. querying at least one directory in order to identify a first voice mail server associated with a caller originating a message and second voice mail server associated with a recipient of the message" reads on col. 10, line 42 - col. 11, line 7 and col. 27, line 40 - col. 28, line 67 as follows. A TCAP query is made from an SSP to an ISCP directory in order to identify whether a first mailbox associated with a caller is "authorized to communicate mailbox-to-mailbox" and the "existence and identity of a mailbox for the call number." If so authorized and validated, then the ISCP then provides routing label to the SSP that identifies the destination address of the second voice mail server (Figs. 2, 3, and col. 37, lines 15-20) so that the SSP can send the message in SS7 packets to a recipient mailbox. The routing label also identifies the destination address of the first voice mail server providing first (originating) mailbox in the case where the recipient returns the message (col. 28, lines 61-67 and col. 37, lines 15-20). Therefore, the directory query has resulted in the identification of both the first and second voice mail servers.

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"b. determining, based on the identities of the first and second voice mail servers, whether the message may be transmitted between the first and second voice mail servers" reads on the authorization and validation step discussed above where it is determined whether the voice mail servers, which provide the respective mailbox services, may communicate.

With respect to claim 20, see the following paragraphs for details on how Bartholomew '639 anticipates particular limitations within the claim.

"[A]scertaining an identifier associated with the calling party" reads on the calling station identification which is ascertained in the TCAP query to the ISCP (col. 28, lines 1-5).

"[U]sing the identifier to determine the identity code that identifies the first VMS and correlates with the subscriber" reads on the ISCP which, in response to the TCAP query provides a routing label that identifies the originating address (identity code) that identifies of the first VMS as discussed in the claim 13 rejection above. See also col. 37, lines 15-20.

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"[A]ssociating the first voice mail server's identity code with information selected from a group consisting of: the location of the first voice mail server, the identity of the first service provider operating the first voice mail server, and the existence of agreements between the first service provider and the other service providers" reads on Bartholomew '639 as follows. The voice mail server's identity code is associated with the originating address (location) of the first voice mail server as discussed above. The routing label, which contains the identity code also as discussed above, also contains the network identification (Fig. 3) which identifies the network providing the voice mail services (e.g., the service providing network associated with SSP 314 and voice mail system 374 of Fig. 4). Note also that the billing functions performed by the ISCP 350, which are based upon the determined identity codes, would also identify the proper service providers in order to accurately bill for use of the identified voice mail system. Regarding the existence of agreements, see the authorization (validation) steps as discussed in the claim 13 rejection above which signifies an agreement to support mailbox to mailbox transfers between specific voice mail server identity codes. See also col. 44, lines 42-58 where the routing label (containing the voice mail server identities) also reflects

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business agreements such as use of specific interexchange carriers during certain time period (col. 44, lines 42-58).

"[D]etermining whether the receiving caller may communicate with the first voice mail server in response to the message" reads on col. 28, line 61 - col. 29, line 2 where the ISCP 352 associated with the "receiving caller" (message recipient) determines if the receiving caller is authorized to use mailbox to mailbox transfer in order to reply to the receive voice mail (communicate with the first voice mail server).

With respect to claim 21, see the claim 20 rejection for further details. The "messaging servers" read on the VMS(s) of claim 20. The "customers of different companies operating the messages servers" of claim 20 reads on the subscribers to the VMS(s) which are operated by different service providers (companies) (col. 26, lines 54-65). The exchange of data is governed by business rules such as use of specific interexchanges during certain time periods as discussed in the claim 20 rejection above. The use of an interexchange carrier is also a business law (regulation) (col. 39, lines 57-63).

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With respect to claim 28, see the following paragraphs for details on how Bartholomew '639 anticipates particular limitations within the claim.

"[T]wo or more messaging servers, at least the first and second which are (i) located in different LATAs or in different geographical regions, (ii) share a common message transfer protocol, or (iii) are operated by different service providers" reads on Bartholomew' 639 as follows. Two or more messaging servers 374 and 376 are located in different geographical regions, share a common message transfer protocol, and are operated by different service providers (Fig. 1, 4, and col. 26, lines 54-65). Each regional network operates within a LATA (col. 39, lines 57-65).

"[A] directory server that stores the identity of two or more messaging servers and responds to an inquiry from the second messaging server by providing at least the identity of the first messaging server" reads on the TCAP query to the SCP directory server and subsequent routing label response as discussed in the claims 13 and 18 rejections above. The inquiry to the second messaging server occurs when the ISCP 352 associated with the message recipient determines whether the

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recipient is authorized to use a mailbox to mailbox transfer in order to reply to the received voice mail as discussed in the claim 20 rejection above.

"[A] database, associated with the directory, that specifies rules governing the exchange of data between messaging servers" reads on the ISCPs which contain a database governing the exchange of data between the messaging servers, such as by providing authorization for mailbox to mailbox transfers, routing instructions, and business agreements such as the selection of interexchange carriers and billing as discussed in the claims 13 and 20 rejections above.

"[W]herein, in response to the query from the second messaging server, the directory either validates or denies the proposed message transfer between the first and second messaging server" reads on the ISCP 325 authorization (validation) step as discussed above.

With respect to claim 29, see the following paragraphs for details on how Bartholomew '639 anticipates particular limitations within the claim.

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"(a) determining (i) a first identity code associated with the message initiator and (ii) a second identity code associated with the message recipient" reads on the ISCP directory query as discussed in the claim 13 and 20 rejections above which determines the first address (identity code) associated with the message initiator and the second address (identity code) associated with the message recipient.

The remaining limitations clearly read upon the ISCP database query and authorization (validation) steps as discussed in the claim 13 rejection above.

Claim 31 differs substantively from claims 13 and 29 in that claim 31 recites additional limitations directed to sending a validation acknowledgment to the originating server that the message may be sent. This limitation reads on the response message sent from the ISCP to the SSP when the authorization and validation steps occur as discussed in the claims 13 and 29 above. This response message acknowledges to the SSP (originating server) that the message may be sent by the SSP. See also col. 10, line 67 - col. 11, line 7.

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With respect to claim 14, the routing instructions provided by the ISCP "locate" both the first and second voice mail servers in order to successfully route the SS7 packets to them as discussed in the claim 13 rejection above. The service providers are the SSPs associated with each voice mail server.

With respect to claim 15, see col. 28, lines 1-5.

With respect to claim 16, see the claim 13 rejection for further details.

With respect to claims 17 and 24, the selection of interexchange carrier is an applicable regulatory rule that allows the exchange of long distance data transactions but only through an interexchange carrier. The selection of an interexchange (i.e., long distance carrier) is based on the locations of the first and second servers. See the claim 21 rejection and col. 39, lines 58-63 for further details.

With respect to claim 19, see the validation (authorization) step as discussed in the claim 13 rejection which determines whether message transmission may proceed if the identity of the voice mail servers are different.

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With respect to claims 22 and 23, see the claim 14 rejection for further details.

With respect to claim 25, see the claim 13 rejection for further details.

With respect to claim 26, receipt of a return message as discussed in the claim 13 rejection above would serve as a confirmation that the original destination entered by the caller was correct.

With respect to claim 27, see col. 29, lines 14-26.

Claim 30 recites various combinations of limitations equivalent to limitations previously discussed above. For example, see the claims 13, 14, 17, 20, 21, 24 and 31 rejection above for additional details.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.



Roland G. Foster
Patent Examiner
March 17, 2003